



# Reviewing your Neighbourhood Plan

## Guidance Note

December 2024



**North  
Herts**  
Council

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## Introduction

- 1.1 At the time of writing, we have eight “made” neighbourhood plans in North Hertfordshire which make up part of the statutory development plan, alongside the [North Hertfordshire Local Plan 2011 – 2031](#), the [Minerals Local Plan Review 2002 – 2016](#) and the [Waste Development Framework](#).
- 1.2 There is legislation<sup>1</sup> in place which allows neighbourhood plans to be reviewed and there is guidance set out in [Planning Practice Guidance](#) for reviewing a neighbourhood plan.
- 1.3 This guidance note is intended to provide information for Parish Councils, acting as the Qualifying Body who may be considering whether to review their neighbourhood plan.

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<sup>1</sup> [Neighbourhood Planning Act 2017](#) and [Planning and Compulsory Purchase Act 2004, Schedule A2](#)

# Should you review your Neighbourhood Plan?

2.1. Whilst there is a requirement for a neighbourhood plans to be reviewed, there are no specific criteria for judging when a neighbourhood plan should be revised. However, there are a number of circumstances which may mean that you want to consider a review. These could include:

❖ **A change in local circumstances and / or evidence**

This could include social, economic or environmental changes, for example following the completion of a development(s) in the neighbourhood planning area. New evidence and perhaps new surveys could be taken into account to identify and assess the impact of local changes on the neighbourhood plan policies.

❖ **Changes to legislation, national planning policy or guidance**

New legislation, changes to the [National Planning Policy Framework](#) (NPPF) and Planning Practice Guidance and appeal decisions or case law can all have an impact on the policies in your neighbourhood plan. Any changes can be a “material consideration” and will be considered when the local planning authority is determining a planning application. These changes can result in a conflict between the new legislation or guidance and a neighbourhood plan policy.

❖ **Monitoring of the policies in your plan reveals that there is an issue with how effective a policy is**

The Parish Council or the neighbourhood planning group should consider the effectiveness of the policies in the neighbourhood plan. Issues you could consider include:

- Are the policies in your neighbourhood plan being used and considered in the way they were intended to be used, for example by landowners, Development Management officers, Planning Committee?
- Are there any policies missing or are there any gaps in the existing policies?

- Have the policies been tested at a planning appeal, and if they have, what was the outcome?
- Are the policies clearly worded or has the wording caused misunderstandings?
- Have there been any local changes which mean that the neighbourhood plan is not as responsive as it was previously?

❖ **A review of the North Hertfordshire Local Plan.**

The NPPF states that local plan policies should be reviewed at least once every five years to determine whether they need to be updated. Many of our neighbourhood plans were made before the adoption of the North Hertfordshire Local Plan in 2022 and this may have an impact on policies in some of our older neighbourhood plans. Where there is a conflict between local plan and neighbourhood plan policies, the [Planning and Compulsory Purchase Act 2004 \(Section 38 \[5\]\)](#) states that the conflict must be resolved in favour of the policy included in the last document to become part of the statutory development plan.



# The review process

3.1 The [Neighbourhood Planning Act 2017](#) provides the legislative framework for reviewing neighbourhood plans.

3.2 If you decide to review your neighbourhood plan, there are three types of modifications which can be made to your neighbourhood plan, which are set out in [Planning Practice Guidance](#), but are also summarised here:

- ❖ **Minor (non-material) modifications to a neighbourhood plan which would not materially affect the policies in the neighbourhood plan**
  - You may have noticed some minor typographical errors or inconsistencies in your neighbourhood plan, which are usually so minor that public consultation is not necessary and there will be no requirement for an examination or referendum. Non material updates can be agreed between the Parish Council and North Herts Council (NHC) and the changes can be made by the Local Planning Authority following the consent of the Qualifying Body.
  - Changes made in this way would not result in the “remaking” the neighbourhood plan and the date of making the neighbourhood plan will remain the same.
  
- ❖ **Material modifications which do not change the nature of the neighbourhood plan which would require examination but not a referendum**
  - We will consider a material modification to be a change which does not alter the overall strategy of the neighbourhood plan but does add detail to the existing policies, for example a design code which adds to an existing design policy.
  - Making these types of changes to your neighbourhood plan will require a Regulation 14 consultation on the draft revisions to the neighbourhood plan. These consultations are undertaken by the Qualifying Body and will be similar to the consultation you undertook in the preparation of your

original neighbourhood plan. Consultees should include North Herts Council, the consultation bodies (listed in Appendix 1), landowners, developers (where appropriate) and the local community. You may want to review how you undertake this consultation and whether there are any new consultees who should be included.

- Once this consultation has been completed, you will submit the modified neighbourhood plan and other relevant documents to NHC acting as the Local Planning Authority.
- When you submit your modified neighbourhood plan to NHC for consultation, it must be accompanied by other documents, as defined in the [Planning and Compulsory Purchase Act, 2004](#), these include:
  - A version of the neighbourhood plan showing the tracked changes, including any proposed modifications to the policies and / or the supporting text;
  - A statement which contains a summary of the proposals and sets out reasons why the neighbourhood plan should be modified as proposed;
  - Consultation statement;
  - Basic conditions statement;
  - Strategic Environmental Assessment SEA screening report; and
  - Habitats Regulation Assessment.
- Once the documents have been submitted, we will undertake public consultation under Regulation 16 of the Neighbourhood Planning Regulations. We will consult all the relevant statutory consultees, organisations with a registered interest in your neighbourhood plan and any individual or organisation mentioned in your consultation statement.
- At the end of the consultation period, we will send all the documentation listed above together with a copy of the original neighbourhood plan and any representations made to the examiner. We will also provide a statement for the examiner which will indicate whether we consider the modifications to be of a material or substantial nature.



- The Qualifying Body can decide whether to proceed with the examination after the examiner has decided whether the modifications change the nature of the plan and therefore require a referendum.

❖ **Material modifications which do change the nature of the neighbourhood plan which would require examination and a referendum**

- The process for material modifications that will change the nature of your neighbourhood plan is the same as for material changes that do not change the nature of the plan, as set out above but where a referendum will be required.
- The examiner will assess the modified plan following the Regulation 16 consultation. A copy of the original plan must also be submitted to the independent examiner. The Qualifying Body must decide whether they are going to proceed with the examination after they have received the examiners recommendations and whether they consider the proposed modifications change the nature of the plan.
- Examples of modifications to a Neighbourhood Plan that may change its nature could include new site allocations, changes to a settlement boundary, or new policy topics.
- If the examiner concludes that the proposed modifications change the nature of the plan, the Local Planning Authority will need to publicise and consider the examiner's report in the same way as they would for a new neighbourhood plan and a referendum would be required.

3.3 A template is included in the appendices to help you collate the proposed changes to your neighbourhood plan and to help determine the scale of those changes.

## Amending your Neighbourhood Plan Area

- 4.1 You should consider if your designated neighbourhood planning area is still appropriate or whether it should be altered. If it does need amending, then an application will be needed to re-designate the area prior to the review.
- 4.2 The following advice regarding a new neighbourhood planning area is taken [Planning Practice Guidance, paragraph 41-037-20180222](#):  
*“A local planning authority can amend the boundary of a neighbourhood area after it has been designated, but only if the local planning authority is responding to a new application for a neighbourhood area to be designated”.*
- 4.3 [Section 5 of the Neighbourhood Planning Act 2017](#) (which amends the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004) facilitates the amendment of neighbourhood areas and provides for what is to happen to the neighbourhood plan or Order that has already been made in relation to that area.
- 4.4 Should the Qualifying Body seek to amend a designated area as part of the process of updating a neighbourhood plan that is in force, they should ensure their neighbourhood area application considers any potentially adverse consequences on the existing plan which would remain in force for any area excluded from the amended boundary. If any such adverse consequences are identified, qualifying bodies should set out appropriate mitigation measures in the basic conditions statement.”



# Appendices

## Appendix 1 : Consultation Bodies for Neighbourhood Plans

Extract from the [Neighbourhood Planning \(General\) Regulations 2012](#)

### SCHEDULE 1 : Consultation Bodies

#### Neighbourhood development plans

1. For the purposes of regulations 14 and 16, a “consultation body” means—
  - (a) where the local planning authority is a London borough council, the Mayor of London;
  - (b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
  - (c) the Coal Authority;
  - (d) the Homes and Communities Agency;
  - (e) Natural England;
  - (f) the Environment Agency;
  - (g) the Historic Buildings and Monuments Commission for England (known as English Heritage);
  - (h) Network Rail Infrastructure Limited (company number 2904587);
  - (i) the Highways Agency;
  - (j) the Marine Management Organisation;
  - (k) any person—
    - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and
    - (ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
  - (l) where it exercises functions in any part of the neighbourhood area—

- (i) a Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;
- (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989;
- (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986;
- (iv) a sewerage undertaker; and
- (v) a water undertaker;
- (m) voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area;
- (n) bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- (o) bodies which represent the interests of different religious groups in the neighbourhood area;
- (p) bodies which represent the interests of persons carrying on business in the neighbourhood area; and
- (q) bodies which represent the interests of disabled persons in the neighbourhood area.



## **Appendix 2 : Template for assessing proposed changes and modifications**

The template table is provided to assist you in considering and documenting the proposed modifications to your neighbourhood plan. We can provide support on the relevant processes and in particular we can assist you in determining whether the modifications you are considering are minor or material modifications and, if material, whether they are considered to be so significant or substantial that they change the nature of your neighbourhood plan.

Completing the template is not compulsory, and you may wish to develop your own way of documenting modifications but the information you provide should cover the same level of detail.

You can use the template to help in the preparation of your statement of modifications that will be published by the Qualifying Body at either the Regulation 14 or Regulation 15 stages.



## Template for assessing proposed changes and modifications to your neighbourhood plan

<b>xxxx Neighbourhood Plan: Proposed Modifications</b>				
<b>Made Neighbourhood Plan Policy / Para reference</b>	<b>Review Neighbourhood Plan Policy / Para reference</b>	<b>Proposed Modifications (Showing track changes)</b>	<b>Are the modifications material? Yes / No (Include an explanatory note setting out your reasons)</b>	<b>If the modifications are material, do they change the nature of the Neighbourhood Plan? Yes / No (Include an explanatory note setting out your reasons)</b>